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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF NEW YORK**

100 Federal Plaza, Central Islip, NY 11722

10 ANDREW KOSIBA
11 PLAINTIFF

12 v.

CASE NO. 21-CV-6416 (GRB) (ARL)

13
14 CATHOLIC HEALTH SYSTEMS OF LONG
15 ISLAND, INC.
16 DEFENDANT

17
18 **PLAINTIFF'S AFFIDAVIT IN SUPPORT OF SHOWING HE HAS**
19 **EXHAUSTED ADMINISTRATIVE RELIEF**

20 STATE OF NEW YORK)
21)
22 COUNTY OF NASSAU) ss

23 Plaintiff has exhausted the administrative remedies available and as
24 required. Plaintiff declares that applying for administrative relief from the agency
25 is a futile gesture as the agency has demonstrated nothing but incompetence
26 and indifference to plaintiff's Charge of discrimination and retaliation. As a result,
27 the agency is participating in the discrimination.
28

1 Plaintiff filed an EEOC Charge on October 7, 2021 for discrimination and
 2 retaliation. Three months have passed since this Charge was received.

3 EEOC has failed to take any meaningful action or perform an investigation.
 4 The agency allowed the deadline to pass for plaintiff's employer to submit a
 5 timely Position Statement without comment or action. The agency did not pursue
 6 this requirement; yet has failed to find in favor of the plaintiff, which would be
 7 expected when the defendant makes no reply to the Charges. The EEOC also
 8 failed to timely issue a Right to Sue letter, which would be expected if it has
 9 decided not to pursue the case. The Agency has revealed through lack of action
 10 that it is indifferent to the discrimination complaint. The Agency has
 11 demonstrated incompetence of investigating a discrimination Charge under the
 12 "Regarded as" prong of the ADA despite receiving extensive written evidence of
 13 the violation. The Agency is participating in the discrimination by completely
 14 ignoring the filed charge and ignoring published Agency guidelines on
 15 "Regarded as" and "Interference" which were clearly listed in plaintiff's file.

16 It would put the plaintiff at his own peril to use this agency and would
 17 further delay his right to justice.

18 

19 Andrew Kosiba, Affiant

20
 21 STATE OF NEW YORK)
 22 Suffolk) ss
 23 COUNTY OF NASSAU)

24 Subscribed and sworn to before me a notary public this 28 day of December,
 25 2021.

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 27 Signature of Notary

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